



SUPPLEMENTAL REISSUE DECLARATION

We, as the below-named inventors, hereby declare that our residences, post office addresses, and citizenships are as stated below adjacent our names, that we verily believe we are the original, first and joint inventors of the invention described and claimed in Letters Patent No. 5,235,581, issued August 10, 1993, and in the specification filed August 5, 1991, and for which invention we solicit a reissue patent; that we have reviewed and understand the contents of the specification in the present application filed November 22, 1999, including the claims; that we understand this is a continuation application of reissue application no. 08/396,981 which issued as RE 36,445 on December 14, 1999 and which was a reissue of said Letters Patent No. 5,235,581 issued August 10, 1993; that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this Reissue Application No. 09/609,699 in accordance with Title 37, Code of Federal Regulations, §1.56(a); and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States prior to filing of Application Serial No. 740,629 filed August 5, 1991 (from which Patent 5,235,581 issued) by us or our legal representatives or assigns, except as follows:

Japanese Patent Application Nos. 02-212537

filed August 9, 1990, 02-285006 filed

October 22, 1990, and 03-044798 filed

March 11, 1991.

The priority of Japanese application nos. 02-212537, 02-285006 and 03-044798 was claimed in said U.S. application and is also hereby claimed in this Reissue Application and certified copies are available in the patent file.

We further declare that we believe said Letters Patent is, through errors which arose without deceptive intent on the part of the applicants, wholly or partially inoperative by reason of claiming more or less than we had a right to claim in the patent. We hereby provide a statement of at least one error relied upon to support this reissue application, in that the original patent failed to include a claim of the scope of: "An optical recording/reproducing apparatus for recording, reproducing or erasing an information signal onto/from any one of N types (where  $N \geq 2$ ) of optical discs having first layers of different thicknesses, each type of said optical discs having at least said first layer being transparent and a second layer for storing information, said apparatus comprising: a light emitting means for emitting a light flux; a converging means having M different effective numerical apertures for converging said light flux on said second layer of ones of said

N types of optical discs loaded in said apparatus and performing aberration correction in correspondence with said first layers of said N types of optical discs loaded in said apparatus; and a photo detecting means for detecting reflected light through said converging means from said ones of said optical discs loaded in said apparatus and for outputting the detected reflected light as an electrical signal, wherein said converging means converges said light flux as a spot with a smaller diameter D by employing a larger one of said M effective numerical apertures, with respect to one of said optical discs having a thinner one of said first layers, wherein a thickness of said first layers of each of said N types of optical discs is about 1.2mm or less, and wherein the thickness of said first layer of the one of the optical discs loaded in said apparatus is discriminated by said electrical signal." This represents an "error" in the original patent under 35 USC 251.

In accordance with MPEP 1414.01, the Applicants hereby state that every error in the patent which was corrected in the present reissue application, and is not covered by the prior declaration submitted in this application, arose without any deceptive intention on the part of the Applicants.

We hereby appoint the following as our attorneys of record with full power of substitution and revocation to prosecute

this application and to transact all business in the Patent and Trademark Office.

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We, as the undersigned inventors, further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue application or of any reissue patent to issue thereon.

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